

In the United States District Court
Northern District of Texas
Dallas Division

Jill Wilson,

Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray

Defendants

Civil Action No. 3:17-cv-638

**Defendants Best Way Express, Inc.'s and Robert Lee Gray's
Notice of Removal**

To the Honorable United States District Judge:

Comes Now, Best Way Express, Inc. and Robert Lee Gray, Defendants (hereinafter "Defendants"), and file this, their Notice of Removal. In support thereof, Defendants would respectfully show the Court as follows:

Introduction

1.1 Plaintiff Jill Wilson ("Plaintiff") filed her state court action against Best Way Express, Inc. and Robert Lee Gray in Dallas County, Texas on January 20, 2017.¹ The case was docketed as Cause No. DC-17-00812; *Jill Wilson v. Best Way Express, Inc. and Robert Lee Gray*; in the 14th Judicial District Court of Dallas County, Texas.

¹ See Plaintiff's Original Petition, attached hereto as Exhibit C-1.

1.2 Plaintiff's claims against Defendants sound in negligence and gross negligence.² These claims arise out of a motor vehicle accident on or about January 21, 2015. Plaintiff seeks monetary damages for past and future medical expenses; past and future physical pain and suffering; past and future mental anguish; past and future physical impairment; lost wages and past and future loss of earning capacity; property damages, towing, rental, and storage fees; costs of court; and pre- and post-judgment interest.³

1.3 On February 7, 2017, Robert Lee Gray was served with citation and Plaintiff's Original Petition by serving the Chairman of the Texas Transportation Commission, certified mail return receipt requested.⁴

1.4 Defendants Best Way Express, Inc. and Robert Lee Gray each filed an Original Answer and Request for Disclosure on February 17, 2017.⁵

1.5 Plaintiff made a jury demand in her Original Petition.⁶

1.6 Defendants' Notice of Removal is timely as it was filed within thirty (30) days of when Defendant Robert Lee Gray was served.⁷

² See *id.*

³ See *id.*

⁴ See Return of Service, dated February 9, 2017, attached hereto as Ex. C-9.

⁵ See Ex. C-10 and Ex. C-11.

⁶ See Ex. C-1.

⁷ See 28 U.S.C. 1446(b)(1).

1.7 Defendants' Notice of Removal is timely as it is filed within thirty (30) days of when it was first ascertainable that this case could be removed based upon diversity jurisdiction.⁸

1.8 The one-year deadline on removal under 28 U.S.C. 1446(c) has not elapsed.

The Parties

2.1 Plaintiff Jill Wilson is an individual who resides in Dallas County, Texas.⁹

2.2 Defendant Robert Lee Gray resides at 190 Greenwood Dr., Apt. B, Cadiz, Kentucky 42211.¹⁰ He is a citizen of the state of Kentucky.

2.3 Defendant Best Way Express, Inc. is foreign corporation incorporated under the laws of the State of Indiana, with its principal place of business in Vincennes, Indiana.¹¹ It is a citizen of Indiana.

Basis for Removal

A. Removal Standard

3.1 Pursuant to 28 U.S.C § 1441(a), Defendant removes this action to the United States District Court for the Northern District of Texas. In support of this Notice, Defendants show that there is complete diversity of citizenship between the Plaintiff and Defendants because the parties are citizens of different states and the amount in controversy exceeds \$75,000.00.¹² Removal is appropriate because it

⁸ See 28 U.S.C. 1446(b)(3); see also *Braud v. Transp. Serv. Co.*, 445 F.3d 801, 805 (5th Cir. 2006).

⁹ See Ex. C-1 ¶ 5.

¹⁰ See *id.* at ¶ 6.

¹¹ See *id.* at ¶ 7.

¹² See 28 U.S.C. § 1332(a).

has been sought within thirty (30) days of Defendants first ascertaining that this suit was removable, and it has been less than one year since this action was originally commenced.¹³

B. Diversity of Citizenship

3.2 Diversity jurisdiction depends upon a showing of complete diversity, which means that none of the plaintiffs may be a citizen of the same state as one of the defendants.¹⁴ “A United States citizen who is domiciled in a state is a citizen of that state.”¹⁵ A corporate entity is deemed to be a citizen of both the foreign state in which it is incorporated as well as the location where it maintains its principal place of business.¹⁶

3.3 As of the date of filing of this action, and at all times thereafter, up to and including the present, Plaintiff Jill Wilson was a citizen of Texas.¹⁷ Defendant Robert Lee Gray is a citizen of Kentucky.¹⁸ Defendant Best Way Express, Inc. is a citizen of Indiana, because it is incorporated in Indiana and maintains its principal

¹³ See 28 U.S.C. § 1446(b); see also *Monterey Mushrooms, Inc. v. Hall*, 14. F. Supp.2d 988, 991 (S.D. Tex. 1999) (“When service is effected on a statutory agent, the removal period begins when the defendant actually receives the process and not when the statutory agent receives process.”).

¹⁴ See *Whalen v. Carter*, 954 F.2d 1087, 1094 (5th Cir. 1992).

¹⁵ *Coury v. Prot*, 85 F.3d 244, 249 (5th Cir. 1996) (citing *Robertson v. Cease*, 97 U.S. 646, 648-50 (1878)).

¹⁶ See 28 U.S.C. § 1332(c)(1); *Mullins v. Test America, Inc.*, 564 F.3d 386, 397 n.6 (5th Cir. 2009).

¹⁷ See Ex. C-1 ¶ 5.

¹⁸ See *id.* at ¶ 5 .

place of business in Vincennes, Indiana.¹⁹ Accordingly, complete diversity of citizenship exists between Plaintiff and Defendants and removal is therefore appropriate.

C. Amount in Controversy

3.4 Removal is additionally appropriate under diversity jurisdiction as the amount in controversy, exclusive of interest and costs, exceeds \$75,000. When a plaintiff's monetary demand is stated in the complaint, a defendant can rely on that allegation to meet the federal court's jurisdictional requirement.²⁰

3.5 Plaintiff's Original Petition specifically alleges that she "seeks monetary relief of over \$200,000.00 but not more than \$1,000,000.00."²¹

D. Removal is Timely and Proper

3.6 In general, if a suit is removable when it is filed, the defendant must file the notice of removal within 30 days after receiving both the summons and a copy of the complaint.²² For suits involving multiple defendants, "all defendants who have been properly joined and served must join in or consent to the removal of the action."²³ Furthermore, the 30-day timeline to file the notice of removal applies

¹⁹ See Ex. C-1.

²⁰ See 28 U.S.C. § 1446(c)(2).

²¹ See Ex. C-1 at ¶ 2.

²² See 28 U.S.C. § 1446(b)(1).

²³ *Id.* at § 1446(b)(2).

for each defendant,²⁴ but with the caveat that if the defendants are served at different times, the earlier-served defendant may consent to the later-served defendant's removal even if it did not previously "initiate or consent to removal."²⁵ However, both defendants in this action consent to removal.

3.7 This provision of 28 U.S.C. § 1446(b) is called the "last-served defendant rule." The Fifth Circuit has held that, under the last-served defendant rule, even in situations where the deadline to notice removal has passed for the earlier-served defendant, if the last-served defendant still is within the 30-day period to file notice of removal, the earlier-served defendant may still properly join or consent to that removal.²⁶ In other words, the deadline for filing notice of removal is 30 days after the last defendant was served.

3.8 Defendant Robert Lee Gray was served in the state court action on February 7, 2017, and now files this Notice of Removal within 30 days of service. Defendant Best Way Express, Inc. files this Notice of Removal within 30 days of filing its answer in state court.

3.9 Since the deadline for filing a notice of removal is 30 days after the last defendant was served, Defendants' Notice of Removal is timely and properly filed.

²⁴ See 28 U.S.C. § 1446(b)(2)(B).

²⁵ See *id.* at § 1446(b)(2)(C).

²⁶ See *Banik v. Tamez*, 2016 U.S. Dist. LEXIS 145710, at *11-13 (S.D. Tex. Oct. 20, 2016) (citing *Eclipse Aesthetics LLC v. Regenlab USA, LLC*, 2016 U.S. Dist. LEXIS 123581, at *8 (N.D. Tex. Sept. 12, 2016)).

Required Documents

4.1 Pursuant to 28 U.S.C § 1446(a) and Rule 81 of the Local Rules of the United States District Court for the Northern District of Texas, Defendant attaches hereto copies of all pleadings, process, orders, and other filings in the state court action as well as the state court action's docket sheet. The pleadings, process, orders, other filings, and docket sheet from the state court action are identified in the Index of Matters Being Filed with Removal which appears as Exhibit A.

Required Notice

5.1 Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly provide notice to all adverse parties and will file a copy of the Notice of Removal with the Dallas County District Clerk's Office.

Conclusion

Wherefore, Premises Considered, Defendants Best Way Express, Inc. and Robert Lee Gray respectfully request that the Honorable Court remove this action to the United States District Court for the Northern District of Texas. Defendant additionally prays for such further relief, at either law or equity, to which it may prove itself justly entitled.

[Signature Block on Following Page]

Respectfully submitted,

BROWN SIMS

/s/ Michael D. Williams
Michael D. Williams
Attorney-in-Charge
Texas Bar No. 21564330
Federal I.D. No: 6982
1177 West Loop South, Tenth Floor
Houston, Texas 77027-9007
(713) 629-1580
(713) 629-5027 (facsimile)

*Attorney for Defendants
Best Way Express, Inc. and
Robert Lee Gray*

Certificate of Service

This is to certify that a true and correct copy of the foregoing instrument has been forwarded to all attorneys of record in accordance with the Federal Rules of Civil Procedure as well as the Northern District of Texas' Local Rules via electronic filing as well as facsimile and certified mail, return receipt requested on this the 3rd day of March, 2017.

Cassandra M. Gandara
GANDARA & GONZALEZ, PLLC
400 S. Zang Blvd., Suite 816
Dallas, Texas 75208
(972) 755-9897
(972) 619-8813 – *facsimile*
jessica@oakclifflawyers.com

Attorney for Plaintiff

/s/ Michael D. Williams
Michael D. Williams

In the United States District Court
Northern District of Texas
Dallas Division

Jill Wilson,

Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray

Defendants

Civil Action No. 3:17-cv-638

Index of Matters Being Filed with Removal

- EXHIBIT A: Index of Matters Being Filed With Removal.
- EXHIBIT B: State Court Docket Sheet.
- EXHIBIT C: Copies of all Process, Pleadings, Orders, and Other Filings in the State Court Action:
- C-1: Plaintiff's Original Petition, filed in the 14th Judicial District of Dallas County, on January 20, 2017.
 - C-2: Civil Case Information Sheet, filed with the Court January 20, 2017.
 - C-3: Transmittal Letter, filed January 20, 2017.
 - C-4: Request to Issue Citations, filed January 23, 2017.
 - C-5: Citation issued on January 30, 2017.
 - C-6: Citation issued on January 26, 2017.
 - C-7: Citation issued on January 26, 2017.
 - C-8: Request for Service, filed January 30, 2017.
 - C-9: Return of Service, filed February 9, 2017

C-10: Defendant Robert Lee Gray's Original Answer, filed with the 14th Judicial District of Dallas County on February 17, 2017.

C-11: Defendant Best Way Express, Inc.'s Original Answer, filed with the 14th Judicial District of Dallas County on February 17, 2017.

C-12: Notice of Trial, set for January 16, 2018.

EXHIBIT D: List of All Counsel of Record.

EXHIBIT E: Name and Address of State Court.

EXHIBIT F: Certificate of Interested Persons.

Case Information

DC-17-00812 | JILL WILSON vs. BEST WAY EXPRESS, INC., et al

Case Number	Court	File Date
DC-17-00812	14th District Court	01/20/2017
Case Type	Case Status	
MOTOR VEHICLE ACCIDENT	OPEN	

Party

PLAINTIFF	Active Attorneys ▼
WILSON, JILL	Lead Attorney
	GANDARA, CASSANDRA M.
	Retained
Address	Work Phone
400 S. ZANG BLVD	972-755-9897
SUITE 816	
DALLAS TX 75208	Fax Phone
	972-619-8813
	Attorney
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	ARACELI
	Retained
	Work Phone
	972-755-9897
	Fax Phone
	972-619-8813

DEFENDANT
BEST WAY EXPRESS, INC.

Address
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VINCENNES IN 47591-6117

Active Attorneys ▼
Lead Attorney
WILLIAMS, MICHAEL D
Retained

Work Phone
713-629-1580

Fax Phone
713-629-5027

DEFENDANT
GRAY, ROBERT LEE

Address
190 GREENWOOD DRIVE APT #B
CADIZ KY 42211-9301

Active Attorneys ▼
Lead Attorney
WILLIAMS, MICHAEL D
Retained

Work Phone
713-629-1580

Fax Phone
713-629-5027

Events and Hearings

01/20/2017 NEW CASE FILED (OCA) - CIVIL

01/20/2017 ORIGINAL PETITION ▼

Original Pet_req for disclosure_Wilson.pdf

01/20/2017 CASE FILING COVER SHEET ▼

CSCS_Wilson.pdf

01/20/2017 CORRESPONDENCE - LETTER TO FILE ▼

TRANSMITTAL LETTER_WILSON.pdf
01/23/2017 REQUEST FOR SERVICE ▼ Request to issue citations_Wilson.pdf
01/23/2017 ISSUE CITATION COMM OF INS OR SOS ▼ ISSUE CITATION COMM OF INS OR SOS
01/26/2017 CITATION ISSUED ▼ DC1700812 A.pdf
01/26/2017 ISSUE CITATION COMM OF INS OR SOS ▼ DC1700812 B.pdf
01/26/2017 CITATION SOS/COI/COH/HAG ▼ Anticipated Server ESERVE Anticipated Method Anticipated Server ESERVE Anticipated Method Comment ESERVE COH KK
01/26/2017 CITATION SOS/COI/COH/HAG ▼ Anticipated Server ESERVE Anticipated Method Anticipated Server ESERVE Anticipated Method Comment ESERVE SOS KK
01/30/2017 REQUEST FOR SERVICE ▼ REQUEST FOR SERVICE
01/30/2017 CITATION SOS/COI/COH/HAG ▼

Anticipated Server
CERTIFIED MAIL

Anticipated Method
Actual Server
CERTIFIED MAIL

Returned
02/09/2017
Comment
CERT MAIL/CM COH N/C 9214 8901 0661 5400 0102 0971 19

02/09/2017 RETURN OF SERVICE ▼

ROBERT LEE GRAY

Comment
CIT EXEC 2/7/17 TO ROBERT LEE GRAY CERT MAIL

02/17/2017 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER

Comment
AND REQUEST FOR DISCLOSURES

02/17/2017 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER

Comment
& REQUEST FOR DISCLOSURES

02/23/2017 NOTICE OF TRIAL ▼

NOTICE OF TRIAL

Comment
AND LVL 2 S/O MAILED

01/16/2018 Non Jury Trial ▼

Judicial Officer
MOYE', ERIC

Hearing Time
9:30 AM

Financial

WILSON, JILL

Total Financial Assessment \$387.00

Total Payments and Credits \$387.00

1/23/2017 Transaction Assessment \$287.00

1/23/2017 CREDIT CARD - Receipt # 4142- WILSON, JILL (\$287.00)
TEXFILE (DC) 2017-DCLK

1/24/2017 Transaction Assessment \$24.00

1/24/2017 CREDIT CARD - Receipt # 4402- WILSON, JILL (\$24.00)
TEXFILE (DC) 2017-DCLK

1/30/2017 Transaction Assessment \$76.00

1/30/2017 PAYMENT (CASE Receipt # 5952- GANDARA & (\$76.00)
FEES) 2017-DCLK GONZALEZ PLLC

Documents

Original Pet_req for disclosure_Wilson.pdf

CSCS_Wilson.pdf

TRANSMITTAL LETTER_WILSON.pdf

Request to issue citations_Wilson.pdf

DC1700812 A.pdf

DC1700812 B.pdf

ISSUE CITATION COMM OF INS OR SOS

REQUEST FOR SERVICE

ROBERT LEE GRAY

ORIGINAL ANSWER

ORIGINAL ANSWER

NOTICE OF TRIAL

Tonya Pointer

CAUSE NO. DC-17-00812

JILL WILSON,
Plaintiff,

v.

**BEST WAY EXPRESS, INC. and ROBERT
LEE GRAY,**
Defendants.



IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JILL WILSON, Plaintiff, complaining of and against Defendants BEST WAY EXPRESS, INC. and ROBERT LEE GRAY (hereinafter collectively referred to as "Defendants") and would respectfully show unto the Court as follows:

**I.
DISCOVERY CONTROL PLAN**

1. Plaintiff submits this action under Discovery Control Plan Level II, per Rule 190.3 of the Texas Rules of Civil Procedure.

**II.
RELIEF**

2. Plaintiff seeks monetary relief of over \$200,000.00 but not more than \$1,000,000.00.

**III.
JURISDICTION**

3. This Court has jurisdiction as Plaintiff's damages exceed the minimum jurisdictional limits of this Court.

IV.
VENUE

4. All or a substantial part of the events or omissions that give rise to the underlying claim accrued in Dallas County, therefore venue is proper in Dallas County pursuant to C.P.R.C. § 15.002(a)(1).

V.
PARTIES

5. Plaintiff is an individual domiciled in Dallas County, Texas with the last three numbers of her driver's license being 123 and the last three numbers of her social security number being 247.

6. Defendant ROBERT LEE GRAY, an individual who is a nonresident of Texas, whose usual place of abode is located at 190 Greenwood Dr., Apt. B, Cadiz, Kentucky, 42211, may be served with process by serving the Chairman of the Texas Transportation Commission at 125 E. 11th Street, Austin, Texas 78701, as Defendant's agent for service because Defendant was a party to a collision while operating a motor vehicle in Texas.

7. Defendant BEST WAY EXPRESS, INC, a foreign corporation organized and existing under the laws of the State of Indiana, whose home office is located at 2242 S. Old Decker Road, Vincennes, Indiana 47591, may be served with process by serving the Secretary of State of Texas at P.O. Box 12079, Austin, Texas 78701, as its agent for service because Defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suit arose from Defendant's business in Texas.

VI.
JURY DEMAND

8. Plaintiff hereby respectfully requests that a jury be convened to try the factual issues of

this case.

VII.
FACTS

9. Plaintiff would respectfully show the Court that on or about January 21, 2015, she was traveling westbound on IH-30 in Dallas County, Texas when her vehicle was violently struck on its driver's side by an 18-wheeler being driven by Defendant ROBERT LEE GRAY (hereinafter referred to as "Defendant Gray." Defendant ROBERT LEE GRAY failed to drive in a single lane and further failed to control his speed, proximately causing the collision and resulting injuries and damages. At all relevant times hereto, the 18-wheeler being driven by Defendant Gray was owned and/or controlled by Defendant BEST WAY EXPRESS, INC. Furthermore, it is Plaintiff's information and belief that Defendant GRAY was acting within the course and scope of his employment with Defendant BEST WAY EXPRESS, INC. at all material times hereto. Defendants' negligence proximately caused Plaintiff's injuries and damages described herein.

VIII.
CAUSES OF ACTION

10. Defendant ROBERT LEE GRAY's actions and/or omissions proximately caused Plaintiff's personal injuries and damages. Defendant ROBERT LEE GRAY's acts and/or omissions constituted negligence and/or negligence *per se* in the following acts, to wit:

- a. In failing to keep such a look out as a person of ordinary prudence would have kept under the same or similar circumstances;
- b. In failing to drive in a single lane;
- c. In failing to turn the direction of the 18-wheeler away from the Plaintiff's vehicle in order to avoid the collision;

- d. In failing to control the speed of the 18-wheeler;
- e. In failing to be attentive;
- f. In failing to use due care to avoid the collision;
- g. In failing to sound horn or warn Plaintiff prior to the accident;
- h. In failing to identify, predict, decide and execute evasive maneuvers appropriately in order to avoid collision;
- i. In failing to apply the brakes to the 18-wheeler in order to avoid the collision, and;
- j. In failing to act as a reasonable person would have under the same or similar circumstances.

11. Each of the above acts and omissions, singularly or in combination with each other, was a proximate cause of the Plaintiff sustaining injuries and damages that are described below.

IX.
NEGLIGENT ENTRUSTMENT

12. The conduct of Defendant BEST WAY EXPRESS, INC., by negligently entrusting its vehicle to Defendant ROBERT LEE GRAY at the time of this underlying collision, proximately caused Plaintiff's damages in the following acts of negligence, to wit:

- a. Defendant BEST WAY EXPRESS, INC., knew or should have known that Defendant ROBERT LEE GRAY, by a preponderance of the evidence, was an unlicensed, reckless and/or incompetent driver;
- b. Defendant BEST WAY EXPRESS, INC., should have used ordinary care knowing that Defendant ROBERT LEE GRAY, was an unlicensed, reckless and/or incompetent driver, and should have denied the use of its 18-wheeler to said driver who subsequently caused the accident which was the proximate cause of the injury and damages sustained by the Plaintiff.
- c. Defendant BEST WAY EXPRESS, INC., through acts of negligence, placed the Plaintiff and general public's safety at jeopardy and is liable for the harm suffered by the Plaintiff. Defendants are liable, joint and severally, for all of Plaintiff's injuries and damages.

X.
RESPONDEAT SUPERIOR

13. At the time of the incident described above, Defendant ROBERT LEE GRAY was acting within the course and scope of employment with Defendants BEST WAY EXPRESS, INC. As a result, Defendant BEST WAY EXPRESS, INC. is vicariously liable for Defendant ROBERT LEE GRAY's general and *per se* negligence under the doctrine of *respondeat superior*.

14. In the alternative and without waiving the foregoing causes of action, at the time of the underlying incident, Defendant ROBERT LEE GRAY was acting as an agent of Defendant BEST WAY EXPRESS, INC. As a result, Defendant BEST WAY EXPRESS, INC. is liable for Defendant ROBERT LEE GRAY's general and *per se* negligence.

XI.
NEGLIGENT HIRING, SUPERVISION, TRAINING, AND RETENTION

15. Defendant BEST WAY EXPRESS, INC. had a legal duty to hire, supervise, train, and retain competent employees. Defendant BEST WAY EXPRESS, INC. breached the duty when defendant negligently hired, supervised, trained, and retained Defendant GRAY. Defendant's breach of said duty proximately caused Plaintiff's damages and injuries.

XII.
GROSS NEGLIGENCE

16. Plaintiff's injuries resulted from Defendants' gross negligence, which entitles Plaintiff to exemplary damages under C.P.R.C. § 41.003 (a).

XIII.
DAMAGES

17. As a direct and proximate result of Defendants' negligence, Plaintiff suffered severe injuries to various parts of her body, including but not limited to, her head, back, neck, right

shoulder and right knee. As a result of said bodily injuries, Plaintiff required medical treatment and thus incurred reasonable and necessary medical expenses. Plaintiff has suffered and continues to suffer from anxiety and post traumatic stress disorder as a proximate cause of Defendants' negligence. There is more than a reasonable medical probability that Plaintiff will incur additional reasonable expenses for necessary medical care and attention in the future. Plaintiff also suffered physical impairment, lost wages, loss of earning capacity, physical pain and mental anguish as a result of the collision. In all likelihood, Plaintiff will continue to suffer in this manner for the remainder of her life.

18. By reason of the foregoing injuries and damages, the Plaintiff sustained damages far in excess of the minimum jurisdictional limits of the Court.

XIV.

PLAINTIFF'S REQUEST FOR DISCLOSURES TO DEFENDANTS

19. Plaintiff hereby requests that Defendants disclose the information and material described in TEX. R. CIV. P. 194.2 (a) - (l). Defendants' responses shall be delivered to Plaintiff's attorney of record at 400 S. Zang Boulevard, Suite 816, Dallas, Texas 75208 within fifty (50) days from the date of service hereof. Plaintiff also requests that the Defendants supplement responses to this Request for Disclosure, as provided by TEX. R. CIV. P. 192, 193, and 194.

XV.

PRAYER

20. WHEREFORE, Plaintiff respectfully requests that the Defendants be cited to appear and answer, and that on final trial, Plaintiff be awarded judgment against the Defendants, jointly and severally, for the following:

- a. Past and future medical expenses in an amount to be determined by the trier of fact;

- b. Monetary damages for Plaintiff for past and future physical pain and suffering and mental anguish in amount to be determined by the trier of fact;
- c. Monetary damages for Plaintiff for past and future physical impairment in an amount to be determined by the trier of fact;
- d. Lost wages and past and future loss of earning capacity;
- e. Property damage, towing, rental, and storage fees;
- e. Pre and post judgment interest at the maximum legal rate;
- f. Costs of Court;
- g. Such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

GANDARA & GONZALEZ, PLLC

By: /s/ Cassandra M. Gandara
Cassandra M. Gandara
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Facsimile: (972) 619-8813
Email: service@oakclifflawyers.com

ATTORNEYS FOR PLAINTIFF

CIVIL CASE INFORMATION SHEET


CAUSE NUMBER (FOR CLERK USE ONLY): DC-17-00812

COURT (FOR CLERK USE ONLY):

STYLED JILL WILSON V. BEST WAY EXPRESSWAY INC., AND ROBERT LEE GRAY

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment motion for modification or enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name:	Email:	Plaintiff(s)/Petitioner(s):		<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____	
Jessica Gonzalez	Jessica@DallasAbogadas.com	JILL WILSON			
Address:	Telephone:	Defendant(s)/Respondent(s):		Additional Parties in Child Support Case:	
400 S Zang Blvd., Ste 816	972-755-9897	BEST WAY EXPRESSWAY, INC		Custodial Parent: _____	
City/State/Zip:	Fax:	AND ROBERT LEE GRAY		Non-Custodial Parent: _____	
Dallas, TX 75208	972-6198813			Presumed Father: _____	
Signature:	State Bar No:				
	24076176				
[Attach additional page as necessary to list all parties]					
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	

ATTORNEYS/ABOGADOS

GANDARA & GONZALEZ, PLLC

400 S. Zang Blvd., Suite 816
Dallas, Texas 75208

Telephone (972) 755-9897
Facsimile (972) 619-8813

January 20, 2016

Attn: Civil Department

Dallas District Clerk's Office
600 Commerce St.
Dallas, Texas 75202

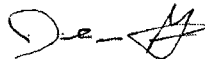
DC-17-00812

Re: JILL WILSON v. BEST WAY EXPRESS, INC., AND ROBERT LEE GRAY

Dear Sir/Madam:

Enclosed for filing in connection with the above-referenced matter is Plaintiff's Original Petition and Request for Disclosure. Thank you for your assistance in this matter. If you should have any questions, please do not hesitate to call our office.

Sincerely,



Jessica A. González

Attorney at Law

Jessica@OakCliffLawyers.com

:jag
Enclosures

1-CIT COH ES
1-CIT SOS ES

ATTORNEYS/ABOGADOS

GANDARA & GONZALEZ, PLLC

Tonya Pointer

400 S. Zang Blvd., Suite 816
Dallas, Texas 75208

Telephone (972) 755-9897
Facsimile (972) 619-8813

January 23, 2017

Attn: Civil Department
Dallas District Clerk's Office
600 Commerce St.
Dallas, Texas 75202

Re: Cause No. DC-17-00812; *Jill Wilson vs. Best Way Express Inc & Robert Lee Gray*, currently pending in the 14th Judicial District Court, Dallas County, Texas.

Dear Clerk:

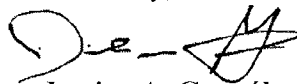
Enclosed for filing please find Plaintiff's payment and request to issue citations for both defendants in this matter.

Please issue the following citations:

- **ROBERT LEE GRAY**, By Serving Tyron D. Lewis, Chairman of Texas Transportation Commission, 125 E. 11th Street, Austin, TX 78701. Mr. Lee's address for service via the Chairman is 190 Greenwood Dr., Apt. B, Cadiz, Kentucky, 42211. **COH**
- **BEST WAY EXPRESS INC.**, Service of Process, Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079. BEST WAY EXPRESS INC's home office/address for service is 2242 S. Old Decker Road, Vincennes, Indiana 47591. **SOS**

Thank you for your assistance in this matter. If you have any questions please do not hesitate to contact me directly at 972-755-9897 or at Jessica@OakCliffLawyers.com.

Sincerely,



Jessica A. González
Attorney at Law

:jag
Enclosures

Exhibit C-4

FORM NO. 353-4—CITATION
THE STATE OF TEXAS

To: **ROBERT LEE GRAY**
BY SERVING THE CHAIRMAN OF THE TEXAS TRANSPORTATION COMMISSION
125 E 11TH STREET
AUSTIN TX 78701-2483

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said **PLAINTIFF** being **JILL WILSON**

Filed in said Court 20th day of January, 2017 against
BEST WAY EXPRESS, INC. AND ROBERT LEE GRAY

For suit, said suit being numbered **DC-17-00812** the nature of which demand is as follows:
Suit On **MOTOR VEHICLE ACCIDENT** etc.
as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

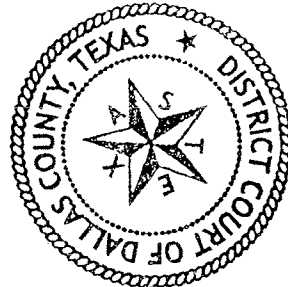
WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office on **this the 30th day of January, 2017**

ATTEST: FELICIA PITRE

Clerk of the District Courts of Dallas County, Texas

By  **CARMEN MOORER**, Deputy



ATTY (COH)

CITATION

No.: DC-17-00812

JILL WILSON
VS.
BEST WAY EXPRESS, INC., ET AL

ISSUED
ON THIS THE 30TH DAY OF JANUARY
2017

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By **CARMEN MOORER**, Deputy

Attorney for : Plaintiff
CASSANDRA M. GANDARA
GANDARA & GONZALEZ PLLC
400 S ZANG BLVD
SUITE 816
DALLAS TX 75208
972-755-9897

DALLAS COUNTY CONSTABLE

FEES PAID

FEES NOT PAID

**OFFICER'S RETURN
FOR INDIVIDUALS**

Cause No. DC-17-00812

Court No: 14th District Court

Style: JILL WILSON

vs.

BEST WAY EXPRESS, INC., et al

Received this Citation the _____ day of _____, 20____ at _____ o'clock. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock, by _____ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

**OFFICER'S RETURN
FOR CORPORATIONS**

Received this Citation the _____ day of _____, 20____ at _____ o'clock ____M. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock ____M. by summoning the within named Corporation, _____ by delivering to _____

President - Vice President - Registered Agent - in person, of the said _____

a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness by my hand.

For Serving Citation	\$ _____	Sheriff
For Mileage	\$ _____	County of _____
For Notary	\$ _____	State of _____
Total Fees	\$ _____	By _____

(Must be verified if served outside the State of Texas)

State of _____

County of _____

Signed and sworn to me by the said _____ before me this _____
day of _____, 20____, to certify which witness my hand and seal of office.

Seal

State & County of _____

FORM NO. 353-4—CITATION
THE STATE OF TEXAS

To: **ROBERT LEE GRAY**
BY SERVING THE CHAIRMAN OF THE STATE HIGHWAY
AND PUBLIC TRANSPORTATION COMMISSION
125 E 11TH STREET
AUSTIN TX 78701-2483

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **14th District Court**
at 600 Commerce Street, Dallas, Texas 75202.

Said **PLAINTIFF** being **JILL WILSON**

Filed in said Court 20th day of January, 2017 against

BEST WAY EXPRESS, INC. AND ROBERT LEE GRAY

For suit, said suit being numbered **DC-17-00812** the nature of which demand is as follows:

Suit On **MOTOR VEHICLE ACCIDENT** etc.

as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas.

Given under my hand and the Seal of said Court at office **on this the 26th day of January, 2017**
ATTEST: FELICIA PITRE

Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
/s/ Kerry Kallie
KERRY KALLIE

Exhibit C-6

ESERVE COH

CITATION

No.: DC-17-00812

JILL WILSON
VS.
BEST WAY EXPRESS, INC., ET AL

ISSUED

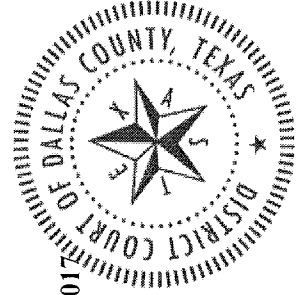
ON THIS THE 26TH DAY OF JANUARY,
2017

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By **KERRY KALLIE**, Deputy

Attorney for : Plaintiff
CASSANDRA M. GANDARA
CASSANDRA@OAKCLIFFLAWYERS.COM
GANDARA & GONZALEZ PLLC
400 S ZANG BLVD
SUITE 816
DALLAS TX 75208
972 755-9897

DALLAS COUNTY
SERVICE FEES
NOT PAID



**OFFICER'S RETURN
FOR INDIVIDUALS**

Cause No. DC-17-00812

Court No: 14th District Court

Style: JILL WILSON

vs.

BEST WAY EXPRESS, INC., et al

Received this Citation the _____ day of _____, 20____ at _____ o'clock. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock, by _____ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

**OFFICER'S RETURN
FOR CORPORATIONS**

Received this Citation the _____ day of _____, 20____ at _____ o'clock ____ M. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock ____ M. by summoning the within named Corporation, _____ by delivering to _____
President - Vice President - Registered Agent - in person, of the said _____

_____ a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness by my hand.

For Serving Citation	\$ _____	Sheriff
For Mileage	\$ _____	County of _____
For Notary	\$ _____	State of _____
Total Fees	\$ _____	By _____

(Must be verified if served outside the State of Texas)

State of _____

County of _____

Signed and sworn to me by the said _____ before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Seal

State & County of _____

FORM NO. 353-4—CITATION
THE STATE OF TEXAS

To: **BEST WAY EXPRESS, INC.**
BY SERVING THE SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
CITATIONS UNIT - P.O. BOX 12079
AUSTIN, TX, 78711

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **14th District Court**
at 600 Commerce Street, Dallas, Texas 75202.

Said **PLAINTIFF** being **JILL WILSON**

Filed in said Court 20th day of January, 2017 against

BEST WAY EXPRESS, INC. AND ROBERT LEE GRAY

For suit, said suit being numbered **DC-17-00812** the nature of which demand is as follows:
Suit On **MOTOR VEHICLE ACCIDENT** etc.

as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office **on this the 26th day of January, 2017**

ATTEST: FELICIA PITRE

Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
/s/ Kerry Kallie
KERRY KALLIE

ESERVE (SOS)

CITATION

No.: DC-17-00812

JILL WILSON
VS.
BEST WAY EXPRESS, INC., ET AL

ISSUED

ON THIS THE 26TH DAY OF JANUARY,
2017

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By **KERRY KALLIE**, Deputy

Attorney for : Plaintiff
CASSANDRA M. GANDARA
CASSANDRA@OAKCLIFFLAWYERS.COM
GANDARA & GONZALEZ PLLC
400 S ZANG BLVD
SUITE 816
DALLAS TX 75208
972 755-9897

DALLAS COUNTY
SERVICE FEES
NOT PAID

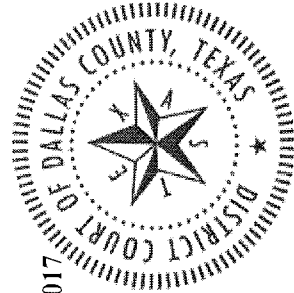


Exhibit C-7

**OFFICER'S RETURN
FOR INDIVIDUALS**

Cause No. DC-17-00812

Court No: 14th District Court

Style: JILL WILSON
vs.
BEST WAY EXPRESS, INC., et al

Received this Citation the _____ day of _____, 20____ at _____ o'clock. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock, by _____ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

**OFFICER'S RETURN
FOR CORPORATIONS**

Received this Citation the _____ day of _____, 20____ at _____ o'clock ____ M. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock ____ M. by summoning the within named Corporation, _____ by delivering to _____
President - Vice President - Registered Agent - in person, of the said _____

_____ a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness by my hand.
For Serving Citation \$ _____ Sheriff _____
For Mileage \$ _____ County of _____
For Notary \$ _____ State of _____
Total Fees \$ _____ By _____

(Must be verified if served outside the State of Texas)

State of _____
County of _____
Signed and sworn to me by the said _____ before me this _____
day of _____, 20____, to certify which witness my hand and seal of office.

Seal

State & County of _____

400 S. Zang Blvd., Suite 816
Dallas, Texas 75208

ATTORNEYS/ABOGADOS
GANDARA & GONZALEZ, PLLC

Telephone (972) 755-9897
Facsimile (972) 619-8813

January 30, 2017

Attn: Civil Department
Dallas District Clerk's Office
600 Commerce St.
Dallas, Texas 75202

Re: Cause No. DC-17-00812; *Jill Wilson vs. Best Way Express Inc & Robert Lee Gray*, currently pending in the 14th Judicial District Court, Dallas County, Texas.

Dear Clerk:

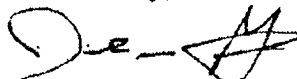
Enclosed for filing please find Plaintiff's payment and request for service via certified mail to Tyron D. Lewis, Chairman of Texas Transportation Commission, as agent for service for Defendant Robert Lee Gray. Enclosed please also find payment for copies of the service documents requested below.

Please serve the foregoing and enclosed documents via certified mail to Tyron D. Lewis, Chairman of Texas Transportation Commission, as agent for service for Defendant Robert Lee Gray:

1. Cover letter to the Chairman of Texas Transportation Commission,
2. Two copies of the enclosed citation previously requested and issued to Tyron D. Lewis, Chairman of Texas Transportation Commission, as agent for service for Defendant Robert Lee Gray, and
3. Two Copies Plaintiff's Original Petition and Request for Disclosures, enclosed herein.

Thank you for your assistance in this matter. If you have any questions please do not hesitate to contact me directly at 972-755-9897 or at Jessica@OakCliffLawyers.com.

Sincerely,



Jessica A. González
Attorney at Law

:jag
Enclosures

ATTORNEYS/ABOGADOS

GANDARA & GONZALEZ, PLLC

400 S. Zang Blvd., Suite 816
Dallas, Texas 75208

Telephone (972) 755-9897
Facsimile (972) 619-8813

January 30, 2017

Tryon D. Lewis, Chairman
Texas Transportation Commission
125 E. 11th Street
Austin, Texas 78701-2483

Re: Cause No. DC-17-00812; *Jill Wilson vs. Best Way Express Inc & Robert Lee Gray*, currently pending in the 14th Judicial District Court, Dallas County, Texas.

Dear Chairman:

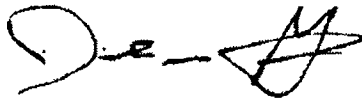
Enclosed please find Plaintiff's Original Petition and Citation issued for service of process for Robert Lee Gray. Mr. Gray is nonresident of Texas and currently a Defendant in the above-referenced suit that arose from a collision in which he was operating a motor vehicle in this state.

Specifically, Mr. Robert Lee Gray was involved in a motor vehicle collision on January 21, 2015, with Ms. Jill Wilson. The collision occurred at 17300 block of Interstate Highway 30 in Dallas County, Texas.

Mr. Robert Lee Gray may be served with process at 190 Greenwood Dr., Apt. B, Cadiz, Kentucky, 42211.

If you have any questions please do not hesitate to contact me directly at 972-755-9897 or at jessica@OakCliffLawyers.com.

Sincerely,



Jessica A. González
Attorney at Law
jessica@OakCliffLawyers.com

:jag
Enclosures

FILED
2017 JAN 30 PM 4:24
CLERK
DISTRICT COURT
DALLAS COUNTY, TEXAS
DEPUTY

OFFICER'S RETURN
FOR INDIVIDUALS

Cause No. DC-17-00812

Court No: 14th District Court

Style: JILL WILSON

vs.

BEST WAY EXPRESS, INC., et al

FILED
2017 FEB -9 AM 10:19

FELICIA PITRE
DISTRICT CLERK
DALLAS, TEXAS
DEPUTY

Received this Citation the _____ day of _____, 20____ at _____ o'clock. Executed at _____, within the County of _____, State of _____, on the _____ day of _____, 20____, at _____ o'clock, by _____ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

OFFICER'S RETURN
FOR CORPORATIONS

Received this Citation the 30 day of Jan, 2017 at 1 o'clock P.M. Executed at 145 E 11th ST Austin TX 78701, within the County of Texas, State of Texas, on the 7 day of Feb, 2017, at 8:27 o'clock A.M. by summoning the within named Corporation, Transpation Commission by delivering to Robert Lee Gray by serving the Chairman of the Texas Transportation Commission by us certified mail return receipt requested send by (no signature) a true copy of this citation together with the accompanying copy of Plaintiff's original petition, having first indorsed on same the date of delivery.

-----000000-----

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness by my hand.

For Serving Citation \$ 2600
For Mileage \$ _____
For Notary \$ _____
Total Fees \$ _____

By [Signature] **FELICIA PITRE**
County of _____
State of _____
DISTRICT CLERK
CARMEN MOORER
600 COMMERCE STREET
DALLAS, TEXAS 75202-4606

(Must be verified if served outside the State of Texas)

State of _____
County of _____

Signed and sworn to me by the said _____ before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Seal

State & County of _____

Certified
ATTY (COH)

FORM NO. 353-4-CITATION
 THE STATE OF TEXAS

To: ROBERT LEE GRAY
 BY SERVING THE CHAIRMAN OF THE TEXAS TRANSPORTATION COMMISSION
 125 E 11TH STREET
 AUSTIN TX 78701-2483

CITATION

No.: DC-17-00812

JILL WILSON
 VS.
 BEST WAY EXPRESS, INC., ET AL

ISSUED
 ON THIS THE 30TH DAY OF JANUARY
 2017

FELICIA PITRE
 Clerk District Courts,
 Dallas County, Texas

By CARMEN MOORER, Deputy

Attorney for : Plaintiff
 CASSANDRA M. GANDARA
 GANDARA & GONZALEZ PLLC
 400 S ZANG BLVD
 SUITE 816
 DALLAS TX 75208
972-755-9897

DALLAS COUNTY CONSTABLE
 FEES NOT PAID

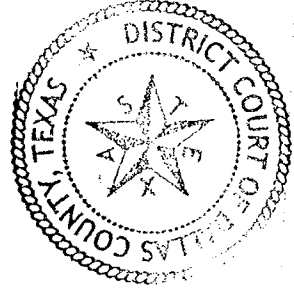
GREETINGS:
 You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.
 Your answer should be addressed to the clerk of the 14th District Court at 600 Commerce Street, Dallas, Texas 75202.

Said PLAINTIFF being JILL WILSON
 Filed in said Court 20th day of January, 2017 against
BEST WAY EXPRESS, INC. AND ROBERT LEE GRAY

For suit, said suit being numbered DC-17-00812 the nature of which demand is as follows:
 Suit On **MOTOR VEHICLE ACCIDENT** etc.
 as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
 Given under my hand and the Seal of said Court at office on **this the 30th day of January, 2017**
 ATTEST: FELICIA PITRE
 Clerk of the District Courts of Dallas, County Texas

By , Deputy
 CARMEN MOORER





Date: February 7, 2017

MAIL MAIL:

The following is in response to your February 7, 2017 request for delivery information on your Certified Mail™/RRE item number 92148901066154000102097119. The delivery record shows that this item was delivered on February 7, 2017 at 8:27 am in AUSTIN, TX 78744. The scanned image of the recipient information is provided below.

Signature of Recipient :

Sent to G. M. F.
5225 Comstock 78710

Address of Recipient :

5225 Comstock 78710

Thank you for selecting the Postal Service for your mailing needs.

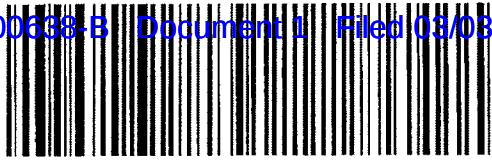
If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000102097119
DC107-00812 DPRO/CM
ROBERT LEE GRAY
BY SERVING THE CHAIRMAN OF THE TEXAS TRANSPORTATION
COMMISSION
125 E 11th St
Austin, TX 78701-2409

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST STE 103
DALLAS, TX 75202-4689



9214 8901 0661 5400 0102 0971 19

RETURN RECEIPT (ELECTRONIC)

DC167-00812 DPRO/CM

ROBERT LEE GRAY
BY SERVING THE CHAIRMAN OF THE TEXAS
TRANSPORTATION COMMISSION
125 E 11TH ST
AUSTIN, TX 78701-2409

CUT / FOLD HERE

8"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE

Cause No. DC-17-00812

Jill Wilson,
Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray,
Defendants.

In the District Court of

Dallas County, Texas

14th Judicial District

**Defendant Robert Lee Gray's Original Answer and
Request for Disclosures**

To the Honorable Judge:

Defendant, Robert Lee Gray, files this, his *Original Answer and Request for Disclosures*, and would respectfully show the Court as follows:

General Denial

Pursuant to Texas Rule of Civil Procedure 92, Defendant asserts a general denial as to Plaintiff's Original Petition and thus generally denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof.

Failure to Mitigate

As a further defense, if such should be necessary, Defendant asserts that if Plaintiff has suffered any damages, which Defendant denies, Plaintiff has failed to mitigate such damages.

Plaintiff's Own Negligence

Defendant asserts that if Plaintiff suffered injuries and/or damages as a result of the incident made the basis of this lawsuit, which Defendant expressly denies by the filing of this pleading, that these injuries and/or damages were caused in whole or in part by Plaintiff's own negligence or responsibility. Accordingly, Defendant asserts all rights, privileges, and remedies afforded or available to him pursuant to Chapter 33 of the Texas Civil Practices & Remedies Code.

Additionally, Defendant asserts that in the event Plaintiff's negligence is determined to be 51 percent or more, her recovery shall be barred in total pursuant to Section 33.001 of the Texas Civil Practice & Remedies Code.

Limitations on Recovery of Medical Expenses

Defendant asserts the limitation on the recovery of medical and health care expenses set forth in Section 41.0105 of the Texas Civil Practices and Remedies Code. Plaintiff's recovery is limited to those expenses actually paid or incurred.

Limitations on Recovery of Loss of Earnings

Defendant asserts the limitations on the recovery of damages for loss of earnings set forth in Section 18.091 of the Texas Civil Practice and Remedies Code.

Pre-existing Conditions

Defendant also asserts that the injuries or physical conditions complained of by Plaintiff were due in whole or in part to pre-existing or subsequently occurring bodily conditions of which Defendant is not responsible. Alternatively, in the event that it is necessary, Defendant is entitled to a credit or offset for all damages attributable to such pre-existing conditions.

Economic Damages to be Determined Separately

If such is necessary, Defendant requests that the trier of fact determine the amount of Plaintiff's alleged economic damages separately from any amount sought for other compensatory damages, including but not limited to physical pain and suffering, mental or emotional pain or anguish, physical impairment, and all other non-pecuniary damages she seeks.

Right to Credit for Settlements

Pleading further and without waiving the foregoing, Defendant invokes his legal right to a reduction of any monetary verdict which may be rendered in this case by credit for payments made to Plaintiff by other persons and/or entities, or by the percentage reductions to which Defendant would be entitled as a result of the jury findings against Plaintiff, co-defendants, responsible third parties, or any other persons or entities. Defendant further reserves the right to submit issues against parties who may be present or absent from this case at the time the matter is passed to the jury for fact determinations.

Right to Amend this Answer

Pleading further and without waiving the foregoing, Defendant specifically reserves the right to amend this Answer, as is his right under the Texas Rules of Civil Procedure.

Request for Disclosure

Defendant requests Plaintiff to disclose the information and materials described in Texas Rule of Civil Procedure 194.2 within 30 days of service of this request.

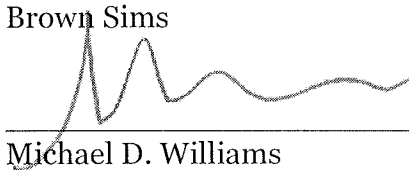
Prayer

Defendant, Robert Lee Gray, respectfully prays that this Honorable Court:

- a. Enter a take-nothing judgment in favor of Defendant, Robert Lee Gray;
- b. Assess costs against Plaintiff; and
- d. Award all other relief to which Defendant is entitled.

Respectfully Submitted,

Brown Sims

A handwritten signature in black ink, appearing to read "Michael D. Williams", is written over a horizontal line.

Michael D. Williams

mwilliams@brownsims.com

Texas Bar No. 21564330

Andrew W. Gray

awgray@brownsims.com

Texas Bar No. 24099826

1177 West Loop South, Tenth Floor

Houston, Texas 77027

713.629.1580

713.629.5027 fax

Attorneys for Defendants,

Robert Lee Gray and

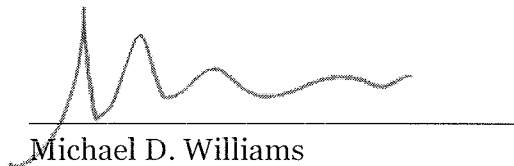
Best Way Express, Inc.

Certificate of Service

I certify that on February 17, 2017, I served a copy of the foregoing document on the parties listed below pursuant to Texas Rule of Civil Procedure 21a:

Cassandra M. Gandara
Jessica A. Gonzalez
GANDARA & GONZALEZ, PLLC
400 S. Zang Blvd., Suite 816
Dallas, Texas 75208
Tel: 972.755.9897
Fax: 972.619.8813

Attorneys for Plaintiff



Michael D. Williams

Cause No. DC-17-00812

Jill Wilson,
Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray,
Defendants.

In the District Court of

Dallas County, Texas

14th Judicial District

**Defendant Best Way Express, Inc.'s Original Answer and
Request for Disclosures**

To the Honorable Judge:

Defendant, Best Way Express, Inc., files this, its *Original Answer and Request for Disclosures*, and would respectfully show the Court as follows:

General Denial

Pursuant to Texas Rule of Civil Procedure 92, Defendant asserts a general denial as to Plaintiff's Original Petition and thus generally denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof.

Failure to Mitigate

As a further defense, if such should be necessary, Defendant asserts that if Plaintiff has suffered any damages, which Defendant denies, Plaintiff has failed to mitigate such damages.

Plaintiff's Own Negligence

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Right to Credit for Settlements

Pleading further and without waiving the foregoing, Defendant invokes its legal rights to a reduction of any monetary verdict which may be rendered in this case by credit for payments made to Plaintiff by other persons and/or entities, or by the percentage reductions to which Defendant would be entitled as a result of the jury findings against Plaintiff, co-defendants, responsible third parties, or any other persons or entities. Defendant further reserves the right to submit issues against parties who may be present or absent from this case at the time the matter is passed to the jury for fact determinations.

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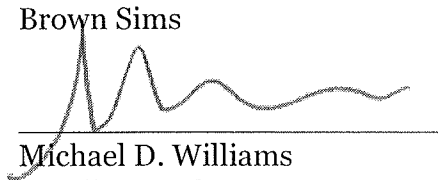
Prayer

Defendant, Best Way Express, Inc., respectfully prays that this Honorable Court:

- a. Enter a take-nothing judgment in favor of Defendant, Best Way Express, Inc.;
- b. Assess costs against Plaintiff; and
- d. Award all other relief to which Defendant is entitled.

Respectfully Submitted,

Brown Sims



Michael D. Williams

mwilliams@brownsims.com

Texas Bar No. 21564330

Andrew W. Gray

awgray@brownsims.com

Texas Bar No. 24099826

1177 West Loop South, Tenth Floor

Houston, Texas 77027

713.629.1580

713.629.5027 fax

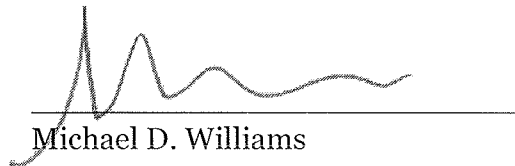
*Attorneys for Defendants,
Robert Lee Gray and
Best Way Express, Inc.*

Certificate of Service

I certify that on February 17, 2017, I served a copy of the foregoing document on the parties listed below pursuant to Texas Rule of Civil Procedure 21a:

Cassandra M. Gandara
Jessica A. Gonzalez
GANDARA & GONZALEZ, PLLC
400 S. Zang Blvd., Suite 816
Dallas, Texas 75208
Tel: 972.755.9897
Fax: 972.619.8813

Attorneys for Plaintiff



Michael D. Williams



14TH JUDICIAL DISTRICT COURT
GEORGE L. ALLEN COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4604

2/23/2017

File Copy

DC-17-00812
JILL WILSON vs. BEST WAY EXPRESS, INC., et al

ALL COUNSEL OF RECORD/PRO SE LITIGANTS:

PLEASE TAKE NOTE OF THE FOLLOWING SETTING:

NON - JURY TRIAL: January 16, 2018 at 9:30 AM

TRIAL ANNOUNCEMENTS MUST BE MADE IN ACCORDANCE WITH RULE 3.02, LOCAL RULES OF THE CIVIL COURTS OF DALLAS COUNTY, TEXAS.

WHEN NO ANNOUNCEMENT IS MADE FOR DEFENDANT, DEFENDANT WILL BE PRESUMED READY. IF PLAINTIFF FAILS TO ANNOUNCE OR TO APPEAR AT TRIAL, THE CASE WILL BE DISMISSED FOR WANT OF PROSECUTION IN ACCORDANCE WITH RULE 165a, TEXAS RULES OF CIVIL PROCEDURE.

Sincerely,

ERIC V. MOYÉ, DISTRICT JUDGE
14TH DISTRICT COURT
Dallas County, Texas

Cc:
CASSANDRA M GANDARA
400 S ZANG BLVD SUITE 816
DALLAS TX 75208

MICHAEL D WILLIAMS
1177 WEST LOOP SOUTH
10TH FLOOR
HOUSTON TX 77027

In the United States District Court
Northern District of Texas
Dallas Division

Jill Wilson,

Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray

Defendants

Civil Action No. 3:17-cv-638

List of All Counsel of Record

Counsel for Plaintiff Jill Wilson

GANDARA & GONZALEZ, PLLC
Cassandra M. Gandara
Texas Bar No. 24059800
Cassandra@oakclifflawyers.com
Jessica A. Gonzalez
Texas Bar No. 24076176
Jessica@oakclifflawyers.com
400 S. Zang Blvd., Suite 816
Dallas, Texas 75208
Tel: 972.755.9897
Fax: 972.619.8813

Counsel for Best Way Express, Inc. and Robert Lee Gray

BROWN SIMS, P.C.
Michael D. Williams
Texas Bar No. 21564330
mwilliams@brownsims.com
Andrew W. Gray
Texas Bar No. 24099826
awgray@brownsims.com
1177 West Loop South, 10th Floor
Houston, Texas 77027
Tel: (713) 629-1580
Fax: (713) 629-5027

In the United States District Court
Northern District of Texas
Dallas Division

Jill Wilson,

Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray

Defendants

Civil Action No. 3:17-cv-638

Name and Address of State Court

Honorable Judge Eric V. Moyé
District Court of Dallas County, Texas
14th Judicial District
George L. Allen, Sr. Courts Building
600 Commerce Street
5th Floor New Tower
Dallas, Texas 75202
214.653.6000

In the United States District Court
Northern District of Texas
Dallas Division

Jill Wilson,

Plaintiff,

v.

Best Way Express, Inc. and
Robert Lee Gray

Defendants

Civil Action No. 3:17-cv-638

**Defendants Best Way Express, Inc.'s and Robert Lee Gray's
Certificate of Interested Persons**

To the Honorable United States District Judge:

Comes Now, Defendants, Best Way Express, Inc. and Robert Lee Gray and file this, their Certificate of Interested Persons pursuant to Local Rule 81.1(A)(4)(d) for the Northern District of Texas, and hereby provides the following information:

Defendant Best Way Express, Inc. is a nongovernmental corporate party. The names of its parent corporation and any publicly held corporation that owns 10% or more of its stock is: Vectra Integration, Inc.

Defendant Robert Lee Gray is an individual residing in Cadiz, Kentucky.

The following is a complete list of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of this case:

1. Plaintiff Jill Wilson

- a. Counsel: Gandara & Gonzalez, PLLC., Cassandra M. Gandara, 400 S. Zang Blvd., Suite 816, Dallas, Texas 75208. Telephone (972) 755-9897; Facsimile (972) 619-8813

2. Defendant Robert Lee Gray

- a. The address for Defendant Gray is: 190 Greenwood Dr., Apt. B, Cadiz, Kentucky 42211.

- b. Counsel: Brown Sims, P.C., Michael D. Williams and Andrew W. Gray, 1177 West Loop South, Tenth Floor, Houston, Texas 77027; Telephone: (713) 629-1580; Facsimile: (713) 629-5027.

3. Defendant Best Way Express, Inc.

- a. Address: 2242 S. Old Decker Road, Vincennes, Indiana 47591.
- b. Telephone: (812) 882-6448
- c. Counsel: Brown Sims, P.C., Michael D. Williams and Andrew W. Gray, 1177 West Loop South, Tenth Floor, Houston, Texas 77027; Telephone: (713) 629-1580; Facsimile: (713) 629-5027.
- d. Insurance Carrier: Westfield Insurance Company, P.O. Box 5005, Westfield Center, Ohio 44251-5005.

Respectfully submitted,
Brown Sims, P.C.

/s/ Michael D. Williams
Michael D. Williams
Attorney-in-Charge
Texas Bar No. 21564330
mwilliams@brownsims.com
1177 West Loop South, 10th Floor
Houston, Texas 77027-9007
(713) 629-1580 (Telephone)
(713) 629-5027 (Facsimile)
*Counsel for Defendants, Best Way
Express, Inc. and Robert Lee Gray*

Of Counsel:

Brown Sims
Andrew W. Gray
Texas Bar No. 24099826
awgray@brownsims.com
1177 West Loop South, Tenth Floor
Houston, Texas 77027-9007
Tel: (713) 629-1580
Fax: (713) 629-5027

Certificate of Service

I hereby certify that on March 3rd, 2017, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF filing system. Notice of this filing will be sent to counsel for all parties by operation of the Court's electronic filing system.

/s/ Michael D. Williams
Michael D. Williams